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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

PATRICIA KARLEY MORENO,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION TO WITHDRAW PLEA OF  
GUILTY**

Case No. 4:22-cr-00063-RJS

District Judge Robert J. Shelby

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**BACKGROUND**

Ms. Moreno filed a letter, dated May 29, 2023, on June 13, 2023.<sup>1</sup> The letter was retitled as Motion to Withdraw Plea of Guilty the next day.<sup>2</sup> Ms. Moreno filed another, undated letter on June 15, 2023, stating again her desire to withdraw her plea.<sup>3</sup> The government filed their response on July 6, 2023.<sup>4</sup> For the reasons stated below, the motion is DENIED.

**DISCUSSION**

Ms. Moreno entered a Plea of Guilty and signed a Statement by Defendant in Advance of Plea of Guilty and Plea Agreement on November 7, 2022.<sup>5</sup> Ms. Moreno was sentenced on April 10, 2023 and was committed to the custody of the Federal Bureau of Prisons ("BOP") to be

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<sup>1</sup> Letter to Prosecutor, [docket no. 73](#), filed June 13, 2023.

<sup>2</sup> Modification of Docket, docket no. 74, filed June 14, 2023.

<sup>3</sup> Exhibit to June 13, 2023 letter, [docket no. 75](#), filed June 15, 2023.

<sup>4</sup> United States' Response to Defendant's Motion to Withdraw Plea of Guilty, [docket no. 77](#), filed July 6, 2023.

<sup>5</sup> Statement by Defendant in Advance of Plea of Guilty and Plea Agreement, [docket no. 51](#), filed Nov. 7, 2022; Minute Entry, docket no. 49, filed Nov. 7, 2022.

imprisoned for a total term of 84 months.<sup>6</sup> Ms. Moreno's request is untimely under Rule 11(e) of the Federal Rules of Criminal Procedure:

Finality of a Guilty or Nolo Contendere Plea. After the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.<sup>7</sup>

Ms. Moreno's motion is untimely because the federal rules do not allow her to withdraw her plea after she has been sentenced. She was sentenced in April 2023 so this motion is untimely.

**ORDER**

Ms. Moreno's motion to withdraw guilty plea is DISMISSED.

Signed July 10, 2023.

BY THE COURT

  
Robert J. Shelby  
United States District Court Judge

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<sup>6</sup> Judgment in a Criminal Case, [docket no. 67](#), filed April 14, 2023; Minute Entry, docket no. 66, filed April 10, 2023.

<sup>7</sup> Fed. R. Crim. P. 11(e).